

# **JOURNAL OF THE HOUSE**

## **EIGHTY-NINTH SESSION**

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FIFTEENTH DAY

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STATE OF SOUTH DAKOTA  
House of Representatives, Pierre  
Thursday, February 6, 2014

The House convened at 2:00 p.m., pursuant to adjournment, the Speaker presiding.

The prayer was offered by the Chaplain, Pastor Wes Labrier, followed by the Pledge of Allegiance led by House page Kanon Olson.

Roll Call: All members present except Rep. Munsterman who was excused.

### **APPROVAL OF THE JOURNAL**

MR. SPEAKER:

The Committee on Legislative Procedure respectfully reports that the Chief Clerk of the House has had under consideration the House Journal of the fourteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,  
Brian G. Gosch, Chair

Which motion prevailed.

**HONORED GUESTS**

Speaker Gosch introduced Madison Mead of Sioux Falls, the South Dakota Girls State Governor, and Tyson Mitzel of Westport, the South Dakota Boys State Governor.

**REPORTS OF STANDING COMMITTEES**

MR. SPEAKER:

The Committee on Health and Human Services respectfully reports that it has had under consideration HB 1158 and 1180 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,  
Melissa Magstadt, Vice Chair

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1130 and returns the same with the recommendation that said bill do pass.

Also MR. SPEAKER:

The Committee on Agriculture and Natural Resources respectfully reports that it has had under consideration HB 1083 and returns the same with the recommendation that said bill be amended as follows:

1083ra

On page 1, line 7, of the printed bill, delete everything after "purposes" and insert ";".

On page 1, delete line 8.

And that as so amended said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had  
3 under consideration HB 1102 and 1103 which were deferred to the 41<sup>st</sup> Legislative Day.

4 Respectfully submitted,  
5 Charles B. Hoffman, Chair

6 Also MR. SPEAKER:

7 The Committee on Taxation respectfully reports that it has had under consideration SB 55  
8 and returns the same with the recommendation that said bill do pass.

9 Also MR. SPEAKER:

10 The Committee on Taxation respectfully reports that it has had under consideration  
11 HB 1131 and returns the same with the recommendation that said bill do pass and be placed on  
12 the consent calendar.

13 Respectfully submitted,  
14 Brock L. Greenfield, Chair

15 Also MR. SPEAKER:

16 The Committee on Local Government respectfully reports that it has had under  
17 consideration HB 1133 and SB 34 and 35 and returns the same with the recommendation that  
18 said bills do pass.

19 Also MR. SPEAKER:

20 The Committee on Local Government respectfully reports that it has had under  
21 consideration HB 1105 and returns the same with the recommendation that said bill do pass and  
22 be placed on the consent calendar.

23 Respectfully submitted,  
24 Tim Rounds, Chair

25 Also MR. SPEAKER:

26 The Committee on Transportation respectfully reports that it has had under consideration  
27 HB 1232 and returns the same with the recommendation that said bill do pass.

1 Also MR. SPEAKER:

2 The Committee on Transportation respectfully reports that it has had under consideration  
3 SB 58 and returns the same with the recommendation that said bill do pass and be placed on the  
4 consent calendar.

5 Respectfully submitted,  
6 Mike Verchio, Chair

7 **MESSAGES FROM THE SENATE**

8 MR. SPEAKER:

9 I have the honor to return herewith HB 1032 which has passed the Senate without change.

10 Also MR. SPEAKER:

11 I have the honor to transmit herewith SB 74, 78, 79, and 84 which have passed the Senate  
12 and your favorable consideration is respectfully requested.

13 Respectfully,  
14 Jeannette Schipper, Secretary

15 **MOTIONS AND RESOLUTIONS**

16 HCR 1013 Introduced by: Representatives Nelson, Bolin, Campbell, Craig, Feickert,  
17 Feinstein, Gibson, Greenfield, Hawks, Hawley, Hunhoff (Bernie), Kaiser, Killer, Kopp,  
18 Magstadt, May, Olson (Betty), Parsley, Peterson, Russell, Soli, Stalzer, Steele, Tyler, and  
19 Verchio and Senators Welke, Begalka, Bradford, Ewing, Frerichs, Monroe, Omdahl, Otten  
20 (Ernie), Sutton, and Van Gerpen

21 A CONCURRENT RESOLUTION, Commemorating the 200th anniversary of the War of 1812  
22 and "The Star Spangled Banner", and recognizing the historical significance, heroic human  
23 endeavor, and sacrifices of members of the United States Army, Marine Corps, Navy,  
24 Revenue Marine Service, and state militias, during and since the War of 1812.

25 WHEREAS, the period beginning in 2012 and ending in 2015 marks the bicentennial  
26 anniversary of the events and battles of the War of 1812 and the origins of "The Star Spangled  
27 Banner"; and

28 WHEREAS, the War of 1812, which has been referred to as the "Second War of  
29 Independence", confirmed the independence of the United States from Great Britain in the eyes  
30 of the world and shaped the prosperity of the United States that ensued; and

1 WHEREAS, despite the vastly superior size of the military of Great Britain, the United  
2 States Army, Marine Corps, Navy, Revenue Marine Service (a predecessor of the United States  
3 Coast Guard), and state militias (the predecessors of the National Guard), won a number of  
4 significant victories, ensuring that the liberties won by the United States during the  
5 Revolutionary War were not lost; and

6 WHEREAS, major battles of the War of 1812 that were fought on the water, including the  
7 battle between the U.S.S. *Constitution* and the H.M.S. *Guerriere*, the Battle of Lake Champlain,  
8 and victories on the Great Lakes, showcased the might, bravery, and war-fighting tactics of the  
9 United States maritime forces; and

10 WHEREAS, the decisive victory of Oliver Hazard Perry over a British fleet near Put-In-Bay,  
11 Ohio, in the Battle of Lake Erie ensured that:

12 (1) The United States gained control of the Great Lakes; and

13 (2) Portions of the Old Northwest Territory, such as Ohio, Michigan, Illinois, Minnesota,  
14 and Wisconsin, remained part of the United States; and

15 WHEREAS, state militias, the oldest component of the armed forces of the United States,  
16 answered the call to service, defending their communities and their country from aggression by  
17 Great Britain; and

18 WHEREAS, United States forces seized the city of Mobile from Spanish control in 1813,  
19 built Fort Bowyer to protect the city, and in 1814 successfully repelled a vastly larger British  
20 force from the city, resulting in Mobile becoming one of the few permanent land concessions  
21 gained by the United States during the War of 1812; and

22 WHEREAS, Great Britain unleashed grievous attacks on the capital of the United States,  
23 Washington, D.C., burning to the ground the United States Capitol Building, the White House,  
24 and much of the rest of the city, except for the U.S. Marine Barracks at 8th & I Street; and

25 WHEREAS, after two and one-half years of conflict, the British Royal Navy sailed up the  
26 Chesapeake Bay in an attempt to capture Baltimore, Maryland; and

27 WHEREAS, United States forces at Fort McHenry, stationed in the outer harbor of  
28 Baltimore, Maryland, under the command of Brevet Lieutenant Colonel George Armistead,  
29 withstood nearly twenty-five hours of bombardment by the British forces and refused to yield,  
30 thereby forcing the British to give up the invasion and withdraw; and

31 WHEREAS, Francis Scott Key, on September 14, 1814, while being held by the British on  
32 board a United States flag-of-truce vessel in the harbor, witnessed "by the dawn's early light",  
33 an American flag still flying over Fort McHenry after the horrific attack and immortalized the  
34 event in a poem entitled "Defense of Fort McHenry", which was later set to music and called  
35 "The Star-Spangled Banner"; and

36 WHEREAS, "The Star-Spangled Banner" became the national anthem of the United States  
37 on March 3, 1931, when President Herbert Hoover signed Public Law 71-823:

1       O say can you see, by the dawn's early light,  
2       What so proudly we hail'd at the twilight's last gleaming,  
3       Whose broad stripes and bright stars through the perilous fight  
4       O'er the ramparts we watch'd were so gallantly streaming?  
5       And the rocket's red glare, the bombs bursting in air,  
6       Gave proof through the night that our flag was still there,  
7       O say does that star-spangled banner yet wave  
8       O'er the land of the free and the home of the brave?  
9       On the shore dimly seen through the mists of the deep  
10      Where the foe's haughty host in dread silence reposes,  
11      What is that which the breeze, o'er the towering steep,  
12      As it fitfully blows, half conceals, half discloses?  
13      Now it catches the gleam of the morning's first beam,  
14      In full glory reflected now shines in the stream,  
15      'Tis the star-spangled banner - O long may it wave  
16      O'er the land of the free and the home of the brave!  
17      And where is that band who so vauntingly swore,  
18      That the havoc of war and the battle's confusion  
19      A home and a Country should leave us no more?  
20      Their blood has wash'd out their foul footsteps' pollution.  
21      No refuge could save the hireling and slave  
22      From the terror of flight or the gloom of the grave,  
23      And the star-spangled banner in triumph doth wave  
24      O'er the land of the free and the home of the brave.

1           O thus be it ever when freemen shall stand  
2           Between their lov'd home and the war's desolation!  
3           Blest with vict'ry and peace may the heav'n rescued land  
4           Praise the power that hath made and preserv'd us a nation!  
5           Then conquer we must, when our cause it is just,  
6           And this be our motto - "In God is our trust,"  
7           And the star-spangled banner in triumph shall wave  
8           O'er the land of the free and the home of the brave; and

9           WHEREAS, these sentiments expressed in "The Star-Spangled Banner" have come to  
10          embody the very spirit of our beloved nation and our national ensign; and

11          WHEREAS, the people of the United States are eternally grateful for the rights defended  
12          through hard fighting during the War of 1812 by the United States Army, Navy, Marine Corps,  
13          and Revenue Marine Service, and state militias, including the protection of United States  
14          citizens at home and abroad, unrestricted trade, free and open ports, and the protection of the  
15          territorial integrity of the United States against aggression; and

16          WHEREAS, during the bicentennial years of the War of 1812 and "The Star Spangled  
17          Banner", it is fitting that the bravery and steadfast determination of the United States land and  
18          maritime forces be celebrated by the grateful people of the United States:

19          NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
20          Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South  
21          Dakota Legislature honors the memory of all the people of the United States who came together  
22          during the War of 1812, particularly the fallen heroes who gave their lives during the "Second  
23          War of Independence"; and

24          BE IT FURTHER RESOLVED, that we commend the men and women of the United States  
25          Army, Marine Corps, Navy, Air Force, Coast Guard, and the state National Guards, who have  
26          faithfully preserved our freedoms and this great nation, that were secured during the hard fought  
27          victories of the War of 1812; and

28          BE IT FURTHER RESOLVED, that we call on the great people of South Dakota in the  
29          communities across the state, in our schools, and our veterans organizations, to commemorate  
30          the bicentennial of the War of 1812 and "The Star Spangled Banner" in events throughout our  
31          great state, and help celebrate that after that war, and all those that have ensued since, that as  
32          Francis Scott Key wrote, "our flag was still there".

33          Was read the first time and the Speaker waived the committee referral.

HCR 1014 Introduced by: Representatives Nelson, Campbell, Craig, Greenfield, Kaiser, Kopp, May, Olson (Betty), Russell, Stalzer, and Steele and Senators Omdahl, Begalka, Monroe, and Otten (Ernie)

A CONCURRENT RESOLUTION, Demanding the end of federal deficit spending, the repayment of national debt, and the beginning of balanced budgets and sound U.S. fiscal policy.

WHEREAS, former Chief Joint Chiefs of Staff Chairman, Admiral Michael Mullen, repeatedly warned that the national debt is the "biggest threat we have to our national security"; and

WHEREAS, total federal government spending in fiscal 1970 was only \$193 billion, and as of 2013, spending was \$3.45 trillion, an almost 1,800 percent increase; and

WHEREAS, the federal government deficit for fiscal 1970 was only \$2.8 billion and has risen to over \$1.1 trillion for fiscal 2012; and

WHEREAS, since 1978, the federal debt limit has been increased fifty-three times; and

WHEREAS, U.S. gross debt currently exceeds \$17.2 trillion, and when the future unfunded obligations of entitlement programs are included, an additional \$127.6 trillion must be added to the debt; and

WHEREAS, U.S. gross debt currently is about one hundred percent of our Gross Domestic Product; and

WHEREAS, in August of 2011, Standard & Poor's downgraded the U.S. credit rating from AAA to AA+; and

WHEREAS, the United States is clearly on an unsustainable fiscal path which will lead to default unless serious changes are made immediately to our fiscal policy:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South Dakota Legislature asserts that the rising debt and out-of-control spending by the federal government are the main impediments to future economic growth and job creation in the private sector; and

BE IT FURTHER RESOLVED, that the South Dakota Legislature calls for the President and the Congress of the United States to immediately reduce spending, reduce the size of the federal government, and to not increase taxes; and

BE IT FURTHER RESOLVED, that the South Dakota Legislature calls for the President and the Congress of the United States to pass a balanced budget and to adhere to sound U.S. fiscal policy.

Was read the first time and the Speaker waived the committee referral.

1 HCR 1015 Introduced by: Representatives Nelson, Campbell, Craig, Greenfield, Kaiser,  
2 Kopp, Magstadt, May, Olson (Betty), Peterson, Qualm, Russell, Stalzer, Steele, and Verchio and  
3 Senators Monroe, Begalka, Ewing, Omdahl, Otten (Ernie), and Van Gerpen

4 A CONCURRENT RESOLUTION, In support of protecting American sovereignty and  
5 defending individual second amendment rights from United Nations interference.

6 WHEREAS, the Second Amendment to the United States Constitution declares that "the  
7 right of the people to keep and bear arms, shall not be infringed"; and

8 WHEREAS, S.D. Const., Art. VI, § 24 declares that "The right of the citizens to bear arms  
9 in defense of themselves and the state shall not be denied."; and

10 WHEREAS, the Supreme Court of the United States has ruled in the case of District of  
11 Columbia v. Heller (2008) that the right to keep and bear arms is an individual right that existed  
12 before the Constitution and "belongs to all Americans"; and

13 WHEREAS, the Supreme Court confirmed in the case of McDonald v. City of Chicago  
14 (2010) that the right to keep and bear arms is a fundamental right; and

15 WHEREAS, since the mid-1990's, United Nations member states, in close cooperation with  
16 domestic and international antigun organizations, have sought to win passage of various United  
17 Nations agreements that would mandate or encourage restrictive gun control measures at the  
18 national level; and

19 WHEREAS, such actions by the United Nations amount to infringement on United States  
20 sovereignty; and

21 WHEREAS, in October 2009, the Obama administration, in a reversal of previous United  
22 States policy, voted for the United States to participate in the United Nation's process to draft  
23 an Arms Trade Treaty; and

24 WHEREAS, on March 23, 2013, the Senate adopted an amendment to its FY 2014 Budget  
25 Resolution, offered by Senator James Inhofe (R-OK), that establishes a deficit-neutral fund for  
26 "the purpose of preventing the United States from entering in the United Nations Arms Trade  
27 Treaty." This amendment is in addition to previous efforts by Senator Jerry Moran (R-KS) and  
28 Representative Mike Kelly (R-PA) to pass concurrent resolutions opposing the treaty in their  
29 respective chambers; and

30 WHEREAS, on September 25, 2013, Secretary of State John Kerry signed the United Arms  
31 Trade Treaty (ATT) on behalf of the Obama Administration; and

32 WHEREAS, the National Rifle Association (NRA) notes that "This treaty threatens  
33 individual firearm ownership with an invasive registration scheme. ATT includes small arms  
34 and light weapons within its scope, which covers firearms owned by law-abiding citizens.  
35 Further, the treaty urges record keeping of end users, directing importing countries to provide  
36 information to an exporting country regarding arms transfers, including end use or end user  
37 documentation for a minimum of ten years. Each country is to take measures, pursuant to its

1 national laws, to regulate brokering taking place under its jurisdiction for conventional arms.  
2 Data kept on the end users of imported firearms is a defacto registry of law-abiding firearms  
3 owners, which is a violation of federal law. Even worse, the ATT could be construed to require  
4 such a registry to be made available to foreign governments."; and

5 WHEREAS, the National Association for Gun Rights (NAGR) notes that: "The United  
6 Nation's Small Arms Treaty is nothing more than a massive global gun control scheme, designed  
7 to register, ban, and confiscate firearms from law-abiding citizens. The United Nation's Small  
8 Arms Treaty would also likely ban the trade, sale, and private ownership of semiautomatic  
9 weapons. The ratification of this treaty would also likely create an international gun registry,  
10 setting the stage for full-scale gun confiscation."; and

11 WHEREAS, the Gun Owners of America (GOA) notes that: "the ATT would . . . ban large  
12 categories of firearms, including semiautomatics and handguns . . . require universal gun  
13 registration and licensure . . . require microstamping and, through that requirement, effectively  
14 ban most guns and ammunition . . . There is no limit to the imposition of gun control which  
15 someone like Barack Obama could achieve, without legislative action, using this treaty as  
16 justification."; and

17 WHEREAS, any final treaty signed by the President and ratified by the Senate would  
18 become binding law in the United States, equal in force to domestic legislation and potentially  
19 superseding earlier, conflicting statutes duly passed by Congress; and

20 WHEREAS, any Executive Orders enacting provisions of the unratified treaty, signed by  
21 the President, have historically been given the effect of law in the United States:

22 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
23 Ninth Legislature of the State of South Dakota, the Senate concurring therein, that for the  
24 protection of American sovereignty, and in defense of South Dakotans' constitutional rights to  
25 keep and bear arms, that the South Dakota Legislature strongly opposes the negotiation and  
26 ratification of this and any arms trade treaties that would include within their scope any new  
27 restriction on law-abiding citizens' fundamental individual rights to keep and bear arms,  
28 including the right to make, transfer, possess, or carry firearms, ammunition, or related  
29 materials; and

30 BE IT FURTHER RESOLVED, that the South Dakota Legislature calls upon all members  
31 of the United States Senate to strongly oppose any such treaties, and to vote against ratification  
32 of any such treaties that may be presented to the Senate; and

33 BE IT FURTHER RESOLVED, that the South Dakota Legislature calls upon Congress to  
34 pass legislation to restore and defend the United States Constitution, which requires the  
35 nullification of Executive Orders that countermand the United States Constitution.

36 Was read the first time and the Speaker waived the committee referral.

1 HCR 1016 Introduced by: Representatives Nelson, Campbell, Craig, Greenfield, Kaiser,  
2 Kopp, Magstadt, May, Olson (Betty), Russell, Stalzer, Steele, and Verchio and Senators Jensen,  
3 Begalka, Ewing, Monroe, Omdahl, and Otten (Ernie)

4 A CONCURRENT RESOLUTION, Urging the federal government to enforce United States  
5 immigration laws and not grant amnesty to those who have entered the United States  
6 illegally.

7 WHEREAS, the United States of America takes in more legal immigrants than any nation  
8 in the world; and

9 WHEREAS, it is impossible to honor the rich tradition of immigration and the rule of law  
10 upon which the American republic was founded unless existing immigration laws are ardently  
11 and equally enforced; and

12 WHEREAS, according to estimates, eleven to twenty million people are present in the  
13 United States in violation of immigration laws; and

14 WHEREAS, while more than twenty million Americans are under-employed or  
15 unemployed, illegal labor takes jobs away from American workers and lowers American wages;  
16 and

17 WHEREAS, illegal employment and illegal immigration have a negative effect on America's  
18 poorest; and

19 WHEREAS, the weight of the crisis lies with employers willing to hire cheaper black-  
20 market labor while legal immigrants and native-born Americans suffer the ravages of  
21 unemployment; and

22 WHEREAS, official Congressional Budget Office data estimates that the recently passed  
23 Schumer-Rubio "Gang of Eight" legalization legislation known as S.744 would only reduce  
24 illegal immigration by thirty to fifty percent; and

25 WHEREAS, the Congressional Budget Office also reports that the same Senate immigration  
26 bill would lower American wages; and

27 WHEREAS, President Barack Obama declared in his January 27, 2010, State of the Union  
28 address, "We should continue the work of fixing our broken immigration system—to secure our  
29 borders and enforce our laws, and ensure that everyone who plays by the rules can contribute  
30 to our economy and enrich our nation."; and

31 WHEREAS, it is the responsibility of the federal government to enforce its borders,  
32 immigration laws, and employment laws to protect American citizens and the sovereignty of the  
33 United States of America; and

34 WHEREAS, Congress instituted a "one time" legalization for illegal aliens in 1986 that  
35 promised to solve the illegal immigration crisis forever; and

WHEREAS, the amnesty of 1986 proved beyond all doubt that rewarding illegal immigrants with amnesty is counter to the principles of justice and equal protection and only produces more illegal immigration; and

WHEREAS, the enforcement of existing federal immigration laws including those regarding national security, immigration, and employment are necessary for the perpetuation of the sovereignty of this nation and the well-being of the American people:

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-Ninth Legislature of the State of South Dakota, the Senate concurring therein, that the South Dakota Legislature urges the President and the Congress of the United States to provide immediately for the security of our nation by controlling and securing our national borders and to resist all efforts to grant amnesty to illegal aliens who have violated the immigration laws of this nation and who are here illegally.

Was read the first time and the Speaker waived the committee referral.

Rep. Lust moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on Friday, February 7, the 16<sup>th</sup> legislative day.

Which motion prevailed.

### CONSIDERATION OF REPORTS OF COMMITTEES

Rep. Lust moved that the report of the Standing Committee on

Commerce and Energy on HB 1143 as found on page 288 of the House Journal be adopted.

Which motion prevailed.

### FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

SB 74: FOR AN ACT ENTITLED, An Act to provide for the consideration of joint physical custody of a minor.

Was read the first time and referred to the Committee on Judiciary.

SB 78: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the Commissioner of South Dakota.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 79: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete provisions regarding the federal census.

Was read the first time and referred to the Committee on Commerce and Energy.

SB 84: FOR AN ACT ENTITLED, An Act to update certain statutes relating to notification of certain transfers.

Was read the first time and referred to the Committee on Appropriations.

## SECOND READING OF CONSENT CALENDAR ITEMS

HB 1148: FOR AN ACT ENTITLED, An Act to provide a license for certain businesses to allow patrons to manufacture malt beverages and wines on the licensed premises for personal use.

Was read the second time.

The question being "Shall HB 1148 pass?"

And the roll being called:

Yeas 67, Nays 1, Excused 2, Absent 0

Yeas:

Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wink; Wismer; Speaker Gosch

Nays:

Kaiser

Excused:

Munsterman; Wick

So the bill having received an affirmative vote of a majority of the members-elect, the Speaker declared the bill passed and the title was agreed to.

1 HB 1178: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to false  
2 statements pertaining to aircraft registration and associated penalties.

3 Was read the second time.

4 The question being "Shall HB 1178 pass?"

5 And the roll being called:

6 Yeas 67, Nays 1, Excused 2, Absent 0

7 Yeas:

8 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
9 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
10 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
11 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
12 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;  
13 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;  
14 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wink; Wismer;  
15 Speaker Gosch

16 Nays:

17 Kaiser

18 Excused:

19 Munsterman; Wick

20 So the bill having received an affirmative vote of a majority of the members-elect, the  
21 Speaker declared the bill passed and the title was agreed to.

22 HB 1167: FOR AN ACT ENTITLED, An Act to allow schools to maintain a stock and to  
23 administer epinephrine auto-injectors in certain cases.

24 Was read the second time.

25 The question being "Shall HB 1167 pass?"

26 And the roll being called:

27 Yeas 67, Nays 1, Excused 2, Absent 0

1 Yeas:

2 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
3 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar  
4 (Jenna); Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff  
5 (Bernie); Johns; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
6 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;  
7 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;  
8 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wink; Wismer;  
9 Speaker Gosch

10 Nays:

11 Kaiser

12 Excused:

13 Munsterman; Wick

14 So the bill having received an affirmative vote of a majority of the members-elect, the  
15 Speaker declared the bill passed and the title was agreed to.

16 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

17 HB 1104: FOR AN ACT ENTITLED, An Act to allow local governing bodies to require  
18 the payment for certain goods and services by electronic transaction.

19 Was read the second time.

20 The question being "Shall HB 1104 pass?"

21 And the roll being called:

22 Yeas 62, Nays 6, Excused 2, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Campbell; Carson; Conzet; Craig; Cronin; Dryden;  
25 Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Hajek; Hawks; Hawley;  
26 Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer; Kirschman;  
27 Kopp; Langer; Lust; Magstadt; May; Mickelson; Novstrup (David); Olson (Betty); Otten  
28 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;  
29 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;  
30 Werner; Westra; Wink; Wismer; Speaker Gosch

31 Nays:

32 Greenfield; Haggar (Jenna); Kaiser; Latterell; Nelson; Russell

33 Excused:

34 Munsterman; Wick

1 So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3 Rep. Lust moved that HB 1111 be placed to follow HB 1071 on today's calendar.

4 Which motion prevailed.

5 HB 1185: FOR AN ACT ENTITLED, An Act to allow certain family members of residents  
6 to obtain nonresident waterfowl hunting privileges, to provide preference for certain nonresident  
7 veterans, and to establish a penalty.

8 Was read the second time.

9 1185oa

10 Rep. Werner moved that HB 1185 be amended as follows:

11 On page 2, line 3, of the House Agriculture and Natural Resources Committee engrossed  
12 bill, after "." insert "No person may be issued more than one license pursuant to this section for  
13 the same waterfowl season."

14 On page 3, after line 19, insert:

15 "If a person is issued a special nonresident waterfowl license pursuant to section 1 of this  
16 Act, the person may not be issued a license pursuant to this section for the same waterfowl  
17 season."

18 Which motion prevailed.

19 The question being "Shall HB 1185 pass as amended?"

20 And the roll being called:

21 Yeas 36, Nays 32, Excused 2, Absent 0

22 Yeas:

23 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Cronin; Dryden; Greenfield; Haggar  
24 (Don); Haggar (Jenna); Hoffman; Hunhoff (Bernie); Johns; Kaiser; Kopp; Latterell; Lust; May;  
25 Mickelson; Nelson; Olson (Betty); Qualm; Romkema; Russell; Schaefer; Schoenfish; Stalzer;  
26 Steele; Stevens; Tulson; Verchio; Werner; Westra; Wink; Speaker Gosch

1 Nays:

2 Craig; Duvall; Ecklund; Erickson; Feickert; Feinstein; Gibson; Hajek; Hawks; Hawley;  
3 Heinemann (Leslie); Heinert; Hickey; Killer; Kirschman; Langer; Magstadt; Novstrup (David);  
4 Otten (Herman); Parsley; Peterson; Rasmussen; Ring; Rounds; Rozum; Schrempp; Sly; Soli;  
5 Solum; Tyler; Wick; Wismer

6 Excused:

7 Carson; Munsterman

8 So the bill having received an affirmative vote of a majority of the members-elect, the  
9 Speaker declared the bill passed and the title was agreed to.

10 HB 1159: FOR AN ACT ENTITLED, An Act to revise the documentation requirements  
11 for designation as a veteran on driver licenses, permits, and nondriver identification cards.

12 Was read the second time.

13 The question being "Shall HB 1159 pass as amended?"

14 And the roll being called:

15 Yeas 68, Nays 0, Excused 2, Absent 0

16 Yeas:

17 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;  
18 Ecklund; Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna);  
19 Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie);  
20 Johns; Kaiser; Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson;  
21 Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm;  
22 Rasmussen; Ring; Romkema; Rounds; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly;  
23 Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink;  
24 Wismer; Speaker Gosch

25 Excused:

26 Carson; Munsterman

27 So the bill having received an affirmative vote of a majority of the members-elect, the  
28 Speaker declared the bill passed and the title was agreed to.

29 HB 1091: FOR AN ACT ENTITLED, An Act to allow municipalities and counties to  
30 adopt a property maintenance code.

31 Was read the second time.

32 The question being "Shall HB 1091 pass as amended?"

1 And the roll being called:

2 Yeas 64, Nays 4, Excused 2, Absent 0

3 Yeas:

4 Anderson; Bartling; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall; Ecklund;  
5 Erickson; Feickert; Feinstein; Gibson; Greenfield; Haggar (Don); Haggar (Jenna); Hajek;  
6 Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns;  
7 Killer; Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Novstrup  
8 (David); Olson (Betty); Otten (Herman); Parsley; Peterson; Qualm; Ring; Romkema; Rounds;  
9 Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens;  
10 Tulson; Tyler; Verchio; Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

11 Nays:

12 Bolin; Kaiser; Nelson; Rasmussen

13 Excused:

14 Carson; Munsterman

15 So the bill having received an affirmative vote of a majority of the members-elect, the  
16 Speaker declared the bill passed and the title was agreed to.

17 HB 1078: FOR AN ACT ENTITLED, An Act to revise the eligibility requirements for the  
18 South Dakota opportunity scholarship to include certain students who reside in bordering states.

19 Was read the second time.

20 The question being "Shall HB 1078 pass?"

21 And the roll being called:

22 Yeas 47, Nays 21, Excused 2, Absent 0

23 Yeas:

24 Anderson; Bartling; Bolin; Cammack; Conzet; Dryden; Duvall; Erickson; Feickert; Feinstein;  
25 Gibson; Greenfield; Hajek; Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman;  
26 Hunhoff (Bernie); Killer; Kirschman; Langer; Lust; Magstadt; May; Parsley; Peterson; Qualm;  
27 Rasmussen; Ring; Romkema; Rozum; Russell; Schaefer; Schoenfish; Schrempp; Sly; Soli;  
28 Solum; Steele; Tulson; Tyler; Verchio; Werner; Wick; Wismer

29 Nays:

30 Campbell; Craig; Cronin; Ecklund; Haggar (Don); Haggar (Jenna); Johns; Kaiser; Kopp;  
31 Latterell; Mickelson; Nelson; Novstrup (David); Olson (Betty); Otten (Herman); Rounds;  
32 Stalzer; Stevens; Westra; Wink; Speaker Gosch

33 Excused:

34 Carson; Munsterman

1           So the bill having received an affirmative vote of a majority of the members-elect, the  
2 Speaker declared the bill passed and the title was agreed to.

3           HB 1089: FOR AN ACT ENTITLED, An Act to allow certain school districts that do not  
4 receive state aid to education to receive funding for certain students with limited English  
5 proficiency.

6           Was read the second time.

7           The question being "Shall HB 1089 pass?"

8           And the roll being called:

9           Yeas 63, Nays 5, Excused 2, Absent 0

10          Yeas:

11 Anderson; Bartling; Bolin; Cammack; Campbell; Conzet; Craig; Cronin; Dryden; Duvall;  
12 Ecklund; Erickson; Feickert; Feinstein; Gibson; Haggar (Don); Haggar (Jenna); Hajek; Hawks;  
13 Hawley; Heinemann (Leslie); Heinert; Hickey; Hoffman; Hunhoff (Bernie); Johns; Killer;  
14 Kirschman; Kopp; Langer; Latterell; Lust; Magstadt; May; Mickelson; Novstrup (David); Otten  
15 (Herman); Parsley; Peterson; Qualm; Rasmussen; Ring; Romkema; Rounds; Rozum; Schaefer;  
16 Schoenfish; Schrempp; Sly; Soli; Solum; Stalzer; Steele; Stevens; Tulson; Tyler; Verchio;  
17 Werner; Westra; Wick; Wink; Wismer; Speaker Gosch

18          Nays:

19 Greenfield; Kaiser; Nelson; Olson (Betty); Russell

20          Excused:

21 Carson; Munsterman

22           So the bill having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill passed.

24           The question being on the title.

25 1089xta

26           Rep. Johns moved that the title to HB 1089 be amended as follows:

27           On page 1, line 1, of the printed bill, delete "do not".

28           Which motion prevailed and the title was so amended.

1 HB 1093: FOR AN ACT ENTITLED, An Act to prohibit public schools from starting a  
2 school term before the last Monday in August.

3 Was read the second time.

4 Rep. Cronin moved the previous question.

5 Which motion prevailed.

6 The question being "Shall HB 1093 pass?"

7 And the roll being called:

8 Yeas 29, Nays 40, Excused 1, Absent 0

9 Yeas:

10 Cammack; Conzet; Cronin; Erickson; Feinstein; Gibson; Haggar (Don); Hajek; Hoffman;  
11 Kirschman; Kopp; Langer; Magstadt; May; Mickelson; Novstrup (David); Olson (Betty); Otten  
12 (Herman); Rounds; Schaefer; Solum; Stalzer; Steele; Tulson; Verchio; Werner; Westra; Wick;  
13 Speaker Gosch

14 Nays:

15 Anderson; Bartling; Bolin; Campbell; Carson; Craig; Dryden; Duvall; Ecklund; Feickert;  
16 Greenfield; Haggar (Jenna); Hawks; Hawley; Heinemann (Leslie); Heinert; Hickey; Hunhoff  
17 (Bernie); Johns; Kaiser; Killer; Latterell; Lust; Nelson; Parsley; Peterson; Qualm; Rasmussen;  
18 Ring; Romkema; Rozum; Russell; Schoenfish; Schrempp; Sly; Soli; Stevens; Tyler; Wink;  
19 Wismer

20 Excused:

21 Munsterman

22 So the bill not having received an affirmative vote of a majority of the members-elect, the  
23 Speaker declared the bill lost.

24 HB 1123: FOR AN ACT ENTITLED, An Act to allow alcoholic beverages to be sold,  
25 served, and consumed in certain on-sale licensees during for an extended period of time if  
26 specific conditions are met.

27 Was read the second time.

28 The question being "Shall HB 1123 pass?"

29 And the roll being called:

30 Yeas 36, Nays 33, Excused 1, Absent 0

1 Yeas:

2 Anderson; Bartling; Conzet; Cronin; Dryden; Erickson; Feinstein; Gibson; Greenfield; Hajek;  
3 Hawley; Heinert; Hoffman; Johns; Kaiser; Kirschman; Langer; Lust; May; Mickelson; Nelson;  
4 Novstrup (David); Olson (Betty); Otten (Herman); Peterson; Ring; Romkema; Rounds; Rozum;  
5 Schoenfish; Solum; Stalzer; Stevens; Tulson; Westra; Wink

6 Nays:

7 Bolin; Cammack; Campbell; Carson; Craig; Duvall; Ecklund; Feickert; Haggar (Don); Haggar  
8 (Jenna); Hawks; Heinemann (Leslie); Hickey; Hunhoff (Bernie); Killer; Kopp; Latterell;  
9 Magstadt; Parsley; Qualm; Rasmussen; Russell; Schaefer; Schrempp; Sly; Soli; Steele; Tyler;  
10 Verchio; Werner; Wick; Wismer; Speaker Gosch

11 Excused:

12 Munsterman

13 So the bill having received an affirmative vote of a majority of the members-elect, the  
14 Speaker declared the bill passed and the title was agreed to.

15 Rep. Lust moved that the balance of the calendar including HB 1171, 1071, and 1111 and  
16 SB 12 and 64 be deferred to Friday, February 7, the 16<sup>th</sup> legislative day.

17 Which motion prevailed.

18 There being no objection, the House reverted to Order of Business No. 5.

19 **REPORTS OF STANDING COMMITTEES**

20 MR. SPEAKER:

21 The Committee on Legislative Procedure respectfully reports that HB 1035 was delivered  
22 to his Excellency, the Governor, for his approval at 9:10 a.m., February 6, 2014.

23 Also MR. SPEAKER:

24 The Committee on Legislative Procedure respectfully reports that the Office of Engrossing  
25 and Enrolling has carefully compared HB 1032 and finds the same correctly enrolled.

26 Respectfully submitted,  
27 Brian G. Gosch, Chair

**SIGNING OF BILLS**

The Speaker publicly read the title to

HB 1032: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding children placed in residential treatment centers or intensive residential treatment centers.

And signed the same in the presence of the House.

**COMMEMORATIONS**

HC 1025 Introduced by: Representatives Gosch, Conzet, Cronin, Lust, Munsterman, Sly, Westra, and Wink and Senators Brown, Holien, Lederman, Maher, Rave, and Rhoden

A LEGISLATIVE COMMEMORATION, Honoring Chief Warrant Officer Two Benjamin J. Smetana for his service as a member of the South Dakota Army National Guard.

WHEREAS, CW2 Benjamin Smetana was born in Pennsylvania and raised in South Dakota. CW2 Smetana enlisted in the South Dakota Army National Guard as a 71L, Administrative Specialist. He was appointed as a warrant officer in March 2009; and

WHEREAS, CW2 Smetana is a graduate of the Adjutant General Warrant Officer Advanced Course, Warrant Officer Basic Course, Warrant Officer Candidate School, 42A Basic Noncommissioned Officer Course, Primary Leaders Development Course, as well as various other MOS specific courses; and

WHEREAS, CW2 Smetana is currently assigned as an HR Technician for the 196<sup>th</sup> Maneuver Enhancement Brigade. CW2 Smetana was previously assigned as a unit administration NCO for the 147<sup>th</sup> Field Artillery Brigade, assistant personnel services NCO for the 1/147<sup>th</sup> FA, and personnel services NCO for the 1/147<sup>th</sup> FA; and

WHEREAS, CW2 Smetana's deployments include Operation Iraqi Freedom, Tallil, IZ 2007-2008; and

WHEREAS, CW2 Smetana was honored in 2013 as the South Dakota Army National Guard's Warrant Officer of the Year:

NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the State of South Dakota, that the Legislature recognizes and honors Chief Warrant Officer Two Benjamin J. Smetana for his exemplary service as a member of the South Dakota National Guard.

1           Rep. Steele moved that the House do now adjourn, which motion prevailed and at  
2   4:20 p.m. the House adjourned.

3  
Arlene Kvislen, Chief Clerk

